



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE April 15, 2005 LOCAL EFFECTIVE DATE April 29, 2005 APPROX FINAL EFFECTIVE DATE May 20, 2005	CONTACT/PHONE Ryan Hostetter (805) 788-2351	APPLICANT J. Chris & Kit Mitsouka	FILE NO. DRC2004-00169
SUBJECT Request by J. Chris and Kit Mitsouka for a Minor Use Permit/Coastal Development Permit to allow an addition of a 277 square foot deck and staircase on the upper floor of the existing single family residence. The deck is proposed to be an addition to the existing upper floor deck on the western side of the existing house, and wrap around to the southern side above the existing garage. The proposed project is within the Residential Multi-Family land use category and is located at 262 North Ocean Ave in the Community of Cayucos. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2004-00169 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on March 24, 2005 (ED04-428).			
LAND USE CATEGORY Residential Multi-Family	COMBINING DESIGNATION Coastal Appealable Zone, Local Coastal Program, Flood Hazard Area	ASSESSOR PARCEL NUMBER 064-094-034	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Setbacks, and Height Requirements <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: None applicable <i>Does the project conform to the Land Use Ordinance Standards: Yes</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Site currently has a single family residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Multi Family/residential <i>South:</i> Residential Multi Family/Cass Barn & retail <i>East:</i> Residential Multi Family/residential <i>West:</i> Ocean Ave.	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Cayucos Fire, Cayucos Sanitary District, Regional Water Quality Control Board, California Coastal Commission, and the Cayucos Citizens' Advisory Council	
TOPOGRAPHY: Site is nearly level	VEGETATION: Ornamental Vegetation
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: Cayucos FPD	ACCEPTANCE DATE: March 8, 2005

DISCUSSION

PLANNING AREA STANDARDS:

Setback Requirements: The subject property is within the Morro Rock View area of Cayucos and the setbacks for that area are as follows: Front 10 ft, Side 3 ft, and Rear 5 ft. The front setback is measured from the property line parallel to, and the closest to Ocean Ave.; and the rear setback is measured from the property line adjacent to the alley at the north east. The current structure is legal non-conforming because the setbacks were measured differently when the existing structure was constructed. The existing structure was approved by Minor Use Permit (D950269P) in 1999 which included approval for two structures on the property. In 2001 a Planned Development was approved (CO00-0128) which created the two parcels we see today, including the new front and rear setbacks. The applicant is proposing to add on to an existing second floor deck within the "new" front setback area. Currently there is a legal non-conforming deck that is located 4' from the front property line in the front, and the applicant is proposing to extend this deck along the front, wrap it around to the side of the house above the garage, and include a small metal spiral staircase. The proposed garage will not extend into the front setback any more then the existing permitted deck. Staff finds that because permits D950269P and CO 00-128 approved the structure within this front setback area, and the applicant is not proposing to bring it further into the setback, that the addition of the deck in its proposed location is acceptable. The deck shall comply with all UBC and UFC codes for building and fire safety.

Height Requirements: Maximum height for structures in Residential Multi Family on the east side of Ocean Ave is 28'. *The project complies with this standard.*

LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

COASTAL PLAN POLICIES:

Shoreline Access: ☒ N/A Policy No(s):
 Recreation and Visitor Serving: ☒ N/A Policy No(s):

Energy and Industrial Development: ☒ N/A Policy No(s):
Commercial Fishing, Recreational Boating and Port Facilities: ☒ N/A Policy No(s):
Environmentally Sensitive Habitats: ☒ N/A Policy No(s):
Agriculture: ☒ N/A Policy No(s):
Public Works: ☒ N/A Policy No(s):
Coastal Watersheds: ☒ N/A Policy No(s):
Visual and Scenic Resources: ☒ N/A Policy No(s):
Hazards: ☒ N/A Policy No(s):
Archeology: ☒ N/A Policy No(s):
Air Quality: ☒ N/A Policy No(s):

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: See memo from Cayucos Land Use Committee in file dated 2/20/05. The Land Use Committee stated they would review in greater detail at the March 28, 2005 meeting.

AGENCY REVIEW:

Public Works-"Recommend Approval, no concerns."

CDF – No comments received

Paso Robles Beach Water Association – No comments received

California Coastal Commission – No comments received

LEGAL LOT STATUS:

The lot was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Ryan Hostetter and reviewed by Matt Janssen

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project is a very small addition to an existing residence.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies/does not satisfy all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. ~~The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.~~
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the proposed project does not include any increase in the existing traffic flow generated with the existing residence.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes:
 - a. a Minor Use Permit/Coastal Development Permit to allow an addition of a 277 square foot deck and staircase on the upper floor of the existing single family residence. The deck is proposed to be an addition to the existing upper floor deck on the western side of the existing house, and wrap around to the southern side above the existing garage.
 - b. a maximum height of 28' (measured from average natural grade).

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.

Fire Safety

3. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

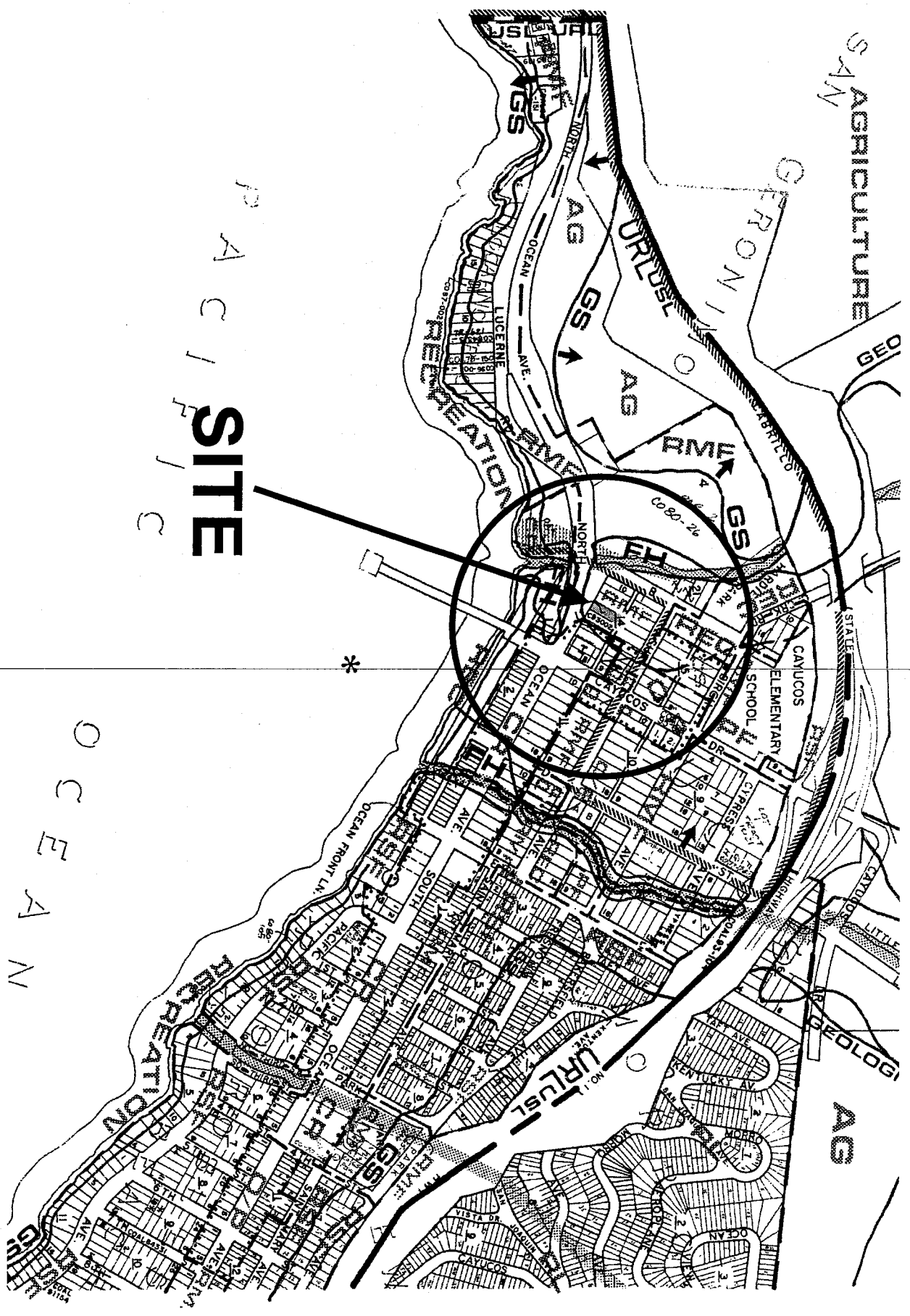
Building Height

4. ~~The maximum height of the project is 28 feet from average natural grade.~~
5. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
6. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On Going Conditions

7. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
8. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.





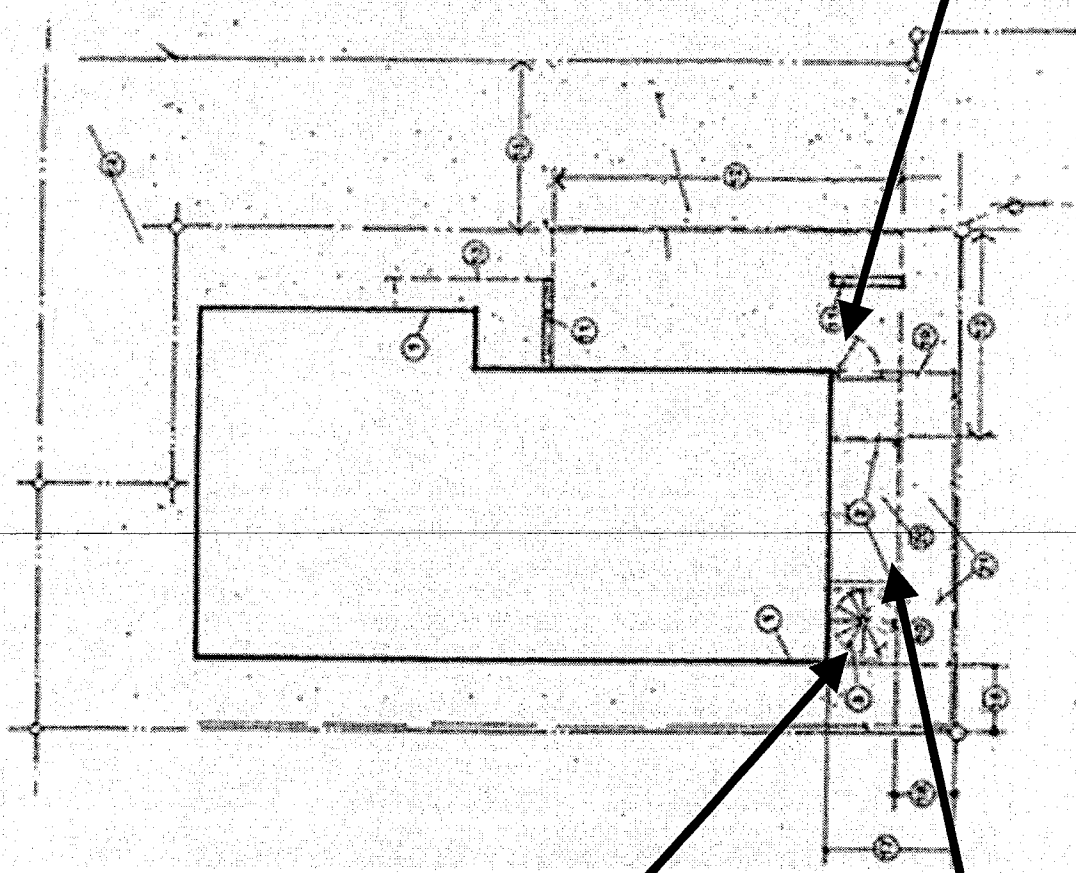
PROJECT

Minor Use Permit
Mitsuoka DRC2004-00169



EXHIBIT

Land Use Category Map



Spiral staircase

Existing Deck

Deck Addition

Site Plan

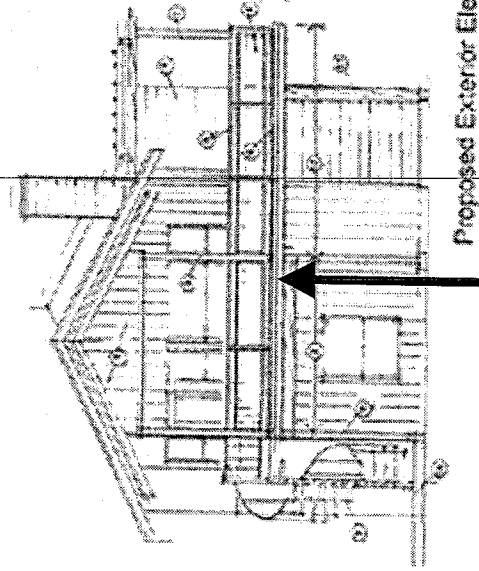
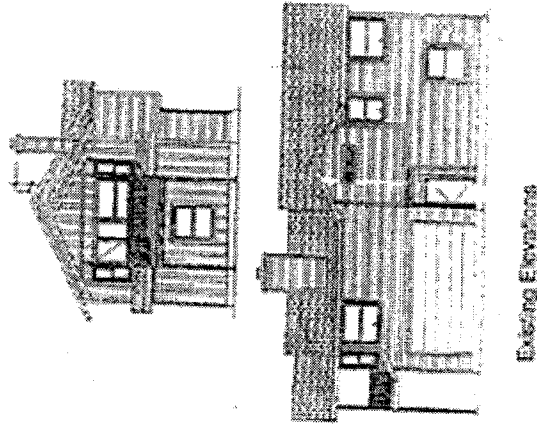
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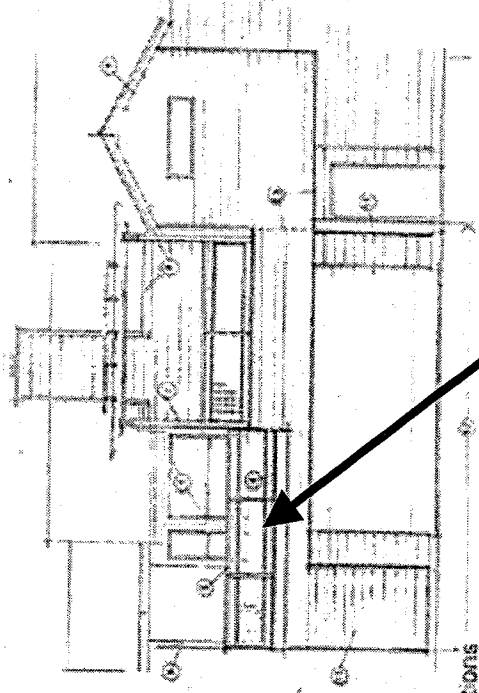
EXHIBIT

Site Plan





Existing Deck &
Addition- western
elevation



Deck Addition-
southern
elevation

PROJECT

Minor Use Permit
Mitsuoka DRC2004-00169

EXHIBIT

Elevations

